

C. REMARKS

Claims 1 and 4 - 12 have been cancelled without prejudice, and Claims 13 and 14 have been added. Claims 2 and 3 have been amended such that they depend upon Claim 13.

The fact that Claims 1 and 4 - 12 have been cancelled without prejudice is not to be construed as an admission by Applicants or Applicants' attorneys that such claims are not patentable, and Applicants reserve the right to prosecute such claims in a continuing application.

The claims stand rejected under 35 U.S.C. 102(b) as being anticipated by Heeney, et al., W003/064472. This rejection is respectfully traversed.

The present invention, as defined broadly in Claim 13, is directed to a method of veterinary treatment of a mammal for pancreatitis. The method comprises administering to the mammal a serum composition obtained from a goat after challenge with an immunogen. In another aspect, as defined in Claim 14, the method comprises administering to the mammal a serum composition obtainable from a goat after challenge with an immunogen.

Heeney discloses the use of a serum composition which has been obtained from an immunized goat. The serum composition may be used to treat inflammatory disorders in both human and non-human mammals. Heeney also discloses the use of such serum to treat human patients having conditions involving the gastrointestinal tract, as well as treating chronic infections associated with chronic inflammatory lesions of the lung, pancreas, liver, bowel, lymph nodes, and skin. Heeney, however, does not disclose or even remotely suggest to one of ordinary skill in the art that the serum

composition as disclosed therein may be used to treat pancreatitis in a non-human mammal, including a dog, as defined in Claim 2, or a cat, as defined in Claim 3.

The mere fact that Heeney discloses treating inflammatory conditions of the gastrointestinal tract does not render obvious to one of ordinary skill in the art the treatment of pancreatitis in a non-human mammal. The inflammatory conditions of the gastrointestinal tract mentioned in Heeney affect the mouth, pharynx, esophagus, stomach, small intestine, and large intestine. The pancreas is not part of the gastrointestinal tract, and Heeney provides no suggestion or experimental data which would suggest that the serum composition disclosed in Heeney could be used to treat effectively accessory organs such as the pancreas, liver, or gall bladder. In addition, the structure and function of the pancreas differ greatly from the organs of the gastrointestinal tract. The pancreas primarily is an endocrine and exocrine gland while the gastrointestinal tract absorbs food. Therefore, one of ordinary skill in the art cannot assume that a serum composition used for treating conditions which affect the gastrointestinal tract also would be effective in treating conditions affecting an unrelated and functionally different organ.

Therefore, Applicants assert that Heeney does not render it obvious to one of ordinary skill in the art that the serum composition disclosed therein may be used to treat pancreatitis. Furthermore, Heeney does not disclose that the serum composition disclosed therein may be used to treat non-human mammals, including dogs and cats.

Heeney, therefore, does not anticipate Applicants' claimed invention, nor does Heeney render Applicants' claimed invention obvious to one of ordinary skill in the art.

It is therefore respectfully requested that the rejection under 35 U.S.C. 102(b) be reconsidered and withdrawn.

Applicants submit that the presently claimed subject matter does not claim priority from any of United Kingdom Patent Application Nos. 0328650.7, 0404533.2, or 0404534.0. Applicants submit further that the priority date of the presently claimed subject matter is December 10, 2004. The fact that the presently claimed subject matter is entitled to a priority date of December 10, 2004 is not to be construed as an admission by Applicants or Applicants' attorneys that Applicants are not entitled to claim priority based on the filing dates of any of United Kingdom Patent Application Nos. 0328650.7, 0404533.2, or 0404534.0 with respect to other subject matter that may be claimed in a continuing application.

For the above reasons and others, this application is in condition for allowance, and it is therefore respectfully requested that the rejection be reconsidered and withdrawn and a favorable action is hereby solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Raymond J. Lillie".

Raymond J. Lillie
Registration No. 31,778